

### III. REMARKS

1. Claims 1-26 remain in the application. Claims 27-32 have been cancelled without prejudice.

2. Applicants respectfully submit that claims 1-3, 5-7, 9-12, 14-21, 23, 25 and 26 are patentable over the combination of Filler et al. (WO 00/11827, "Filler") in view of Yu et al. (US 6,684,087, "Yu").

The combination of Filler and Yu fails to disclose or suggest associating a digital collectible trading card with the user based on an identification of the user in the cellular mobile communication network received from the cellular mobile phone, as recited by claim 1.

The combination of Filler and Yu also fails to disclose or suggest associating the user with the digital collectible trading card, wherein the associating is based on an identification of the user in the cellular mobile communication network received from the cellular mobile phone, as recited by claim 21.

The present invention is directed to providing a real time, constantly available electronic solution for collecting and exchanging digital collectible trading cards. Filler describes handling digital collectible items, but the system and method disclosed therein inevitably require the presence of fixed computer workstations and a fixed data communication network that connect the fixed computer workstations to a centralized server. It is fundamentally impossible to utilize such an arrangement for any real time, constantly available solution of the kind presented in the applicant's invention, since a user

can only connect to the system and utilize it if he happens to be located next to a suitable fixed computer workstation. The applicant's invention, on the other hand, is based on the use of portable terminals (namely cellular mobile phones), which the users already carry along and keep switched on everywhere they go these days as a routine measure.

The solution of Filler goes even further than just requiring the user to have a fixed computer workstation at hand. Additionally Filler requires the user to enter a user ID and a password every time he wants to use his fixed computer workstation to connect to the system. This is understandable, because fixed computer workstations are very seldom personal enough to the extent at which any centralized system could rely on the identification of a terminal device as something that would unambiguously also identify a certain user. Quite to the contrary, portable terminals such as cellular mobile phones are strictly personal devices, with the subscription associated with a certain phone + SIM combination being very unambiguously related to the corresponding subscriber. In contrast with Filler, the present invention as claimed e.g. in claim 1, utilizes this unique feature of cellular mobile phone networks so that the identification of the user is made in the cellular mobile communication network based on information received from the cellular mobile phone.

The Examiner has correctly pointed out that Filler does not disclose mobility and Applicants appreciate that agreement has been reached on this point. However, in using Yu to provide the features of the present invention missing from Filler, it appears that the technical problem and other teachings discussed in Yu may have been misinterpreted.

First, Applicants note that Yu never even approaches the subject of handling digital collectible cards: the subject of Yu is simply handling some general form of digitally represented images. Second, according to Yu, a user identifier is only used for finding a certain user account and for generating certain instructions, according to which an image will be preprocessed in a proxy server. Associating an image with a user, which is the closest Yu ever gets to the present applicant's concept of associating a digital collectible card with the user, only takes place in Yu as a result of a very detailed and definite request explicitly made by the user. Thus, there is no associating a digital collectible trading card with the user based on an identification of the user in the cellular mobile communication network received from the cellular mobile phone.

A benefit of the present invention is synergy that can be achieved as the association of the user with the digital trading card is based on the identification of the user of the cellular mobile phone in the cellular mobile communication network, the association being based on the identification of the user in the cellular mobile communication network received from the cellular mobile phone, and the centralized server based management of the trading card system that is very suitable for cellular mobile phones.

Thus, simply pointing at Yu for adding mobility to Filler's system would not result in the applicant's invention, because - contrary to the Examiner's assertion - the pertinent problem specifically solved by the invention is not that of transferring digital files between two cell phones in a cellular communication network (which has been known for ages) but that

of associating the correct user with the appropriate digital trading card.

At least for these reasons, Applicants respectfully submit that the combination Filler and Yu fails to disclose or suggest all the features of claims 1 and 21, and therefore claims 1 and 21 are patentable over the combination of Filler and Yu.

Claims 2, 3, 5-7, 9-12, 14-20, 23, 25, and 26 depend from claim 1 or from claim 21 and therefore are also patentable over the combination of Filler and Yu.

3. Applicants respectfully submit that claim 4 is patentable over the combination of Filler, Yu and Beuk et al. (US 5,774,673, "Beuk").

Claim 4 depends from claim 1. Beuk fails to provide the features of claim 1 missing from the combination of Filler and Yu and therefore fails to render claim 4 unpatentable.

4. Applicants respectfully submit that claim 13 is patentable over the combination of Filler, Yu, and Peppel (US 6,200,216).

Claim 13 depends from claim 1. Peppel fails to provide the features of claim 1 missing from the combination of Filler and Yu and therefore fails to render claim 13 unpatentable.

5. Applicants respectfully submit that claims 8 and 24 are patentable over the combination of Filler, Yu and Treyz et al. (US 6,587,835), "Treyz").

Claim 8 depends from claim 1 and claim 24 depends from claim 21. Treyz fails to provide the features of claims 1 and 21 missing from the combination of Filler and Yu and therefore fails to render claims 8 and 24 unpatentable.

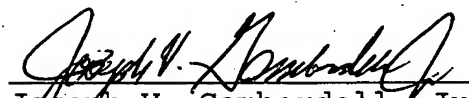
6. Applicants respectfully submit that claim 22 is patentable over the combination of Filler, Yu, and Atsmon et al. (US 6,607,136, ("Atsmon")).


Claim 22 depends from claim 21. Atsmon fails to provide the features of claim 1 missing from the combination of Filler and Yu and therefore fails to render claim 22 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Joseph V. Gamberdell, Jr.  
Reg. No. 44,695

  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 8/11/2004

Signature: \_\_\_\_\_

Person Making Deposit